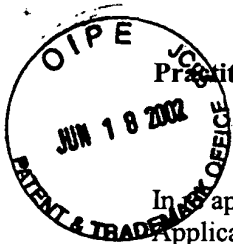


06-19-02



Practitioner's Docket No. 46590/46910 DIV2-CPA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In application of: Hayashi et al.

Application No.: 09/499,765

Filed: February 8, 2000

Group No.: 1644

Examiner: Nolan, P.

For: COMPOSITION CONTAINING  $\alpha$ -FODRIN OR  $\alpha$ -FODRIN FRAGMENT PROTEIN

Assistant Commissioner for Patents  
Washington, D.C. 20231

RCE/1600  
#13  
9ND  
PATENT  
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CERTIFICATION UNDER 37 C.F.R. 1.10\*

(Express Mail label number is mandatory.)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date June 18, 2002 in an envelope as "Express Mail Post Office to Addressee," mailing Label Number EL 789783813 US addressed to Box: RCE, the Assistant Commissioner for Patents, Washington, D.C. 20231.

Elizabeth Anne Sweeny

(type or print name of person mailing paper)

Signature of person mailing paper

REQUEST FOR CONTINUED EXAMINATION (RCE)  
(37 C.F.R. 1.114)

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. Section 1.114, for the above identified application.

TIME REQUEST IS BEING MADE

2. This request is being submitted (check appropriate item(s) below):

- i. ☒ Prior to abandonment of the application
- ii. ☐ Payment of the issue fee
  - ☐ Prior to payment of issue fee
  - ☐ Issue fee has been paid but a petition under Section 1.313 has been granted
- iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences
  - ☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.
- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145
  - ☐ Commencement of a civil action under 35 U.S.C. 146
  - ☐ Prior to the filing of such appeal or commencement of civil action



☐ Such appeal or commencement of civil action has been terminated

### ENCLOSURES

3. Enclosed herewith is/are:

- ☐ An information disclosure (37 C.F.R. Section 1.98)  
☐ Form PTO-1449 (PTO/SB/08A and 08B)  
☒ An amendment

☒ New arguments

☐ New evidence in support of patentability-

☒ Other: **Declaration of Yoshio Hayashi.**

### FEE FOR REQUEST (37 C.F.R. Section 1.17(e)).

4. This application is on behalf of:

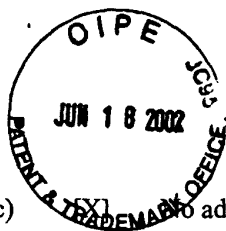
- ☐ Small entity (and status is still as small entity) \$370.00  
☒ Other than a small entity \$740.00

Continued Prosecution Request Fee \$ 740.00

### FEE FOR CLAIMS

5. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below:

		(Col. 1)		(Col. 2)		(Col. 3) SMALL ENTITY		OTHER THAN A SMALL ENTITY	
		Claims Remaining After Amendment		Highest No. Previously Paid For		Present Extra Rate		Addit. Fee OR Rate	
Total	2	Minus	*20	=	x \$ =	\$		x \$18 =	\$0
Indep.	1	Minus	*3	=	x \$42 =	\$0		x \$84 =	\$0
<input type="checkbox"/> First Presentation of Multiple Dependent Claim					+ \$140 =	\$0		+ \$280 =	\$
Total Addit. Fee									\$0



(complete (c) or (d), as applicable)

(c) ☒ No additional fee is required.

OR

(d) ☐ Total additional fee required is \$ \_\_\_\_\_.

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### EXTENSION OF TIME

*(If an extension of time is appropriate complete (a) or (b), as applicable)*

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply.

(a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. Section 1.17(a)(1)-(4), for the total number of months checked below:

<u>Extension for</u> <u>(months)</u>	<u>Fee for</u> <u>small entity</u>	<u>Fee for other</u> <u>than small entity</u>
<input type="checkbox"/> one month	\$ 55	\$110
<input type="checkbox"/> two months	\$ 200	\$400
<input type="checkbox"/> three months	\$ 460	\$920
<input type="checkbox"/> four months	\$720	\$1,440

Fee \$

If an additional extension of time is required, please consider this a petition therefor.

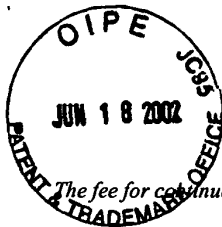
*(check and complete the next item, if applicable)*

☐ An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$

OR

(b) ☐ Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.



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TOTAL FEE(S) DUE

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**WARNING:** The fee for continued examination under Section 1.114 may not be deferred. 37 C.F.R. Section 1.53(f).

7. The total fee(s) due is/are:

Continued Prosecution Fee (Section 1.17(e)) \$ 740.00

Fee(s) for additional claims (if any) (Section 1.16(b)-(d)) \$ \_\_\_\_\_

Extension of time fee (if any) (Section 1.17(a)(1)-(4)) \$ \_\_\_\_\_

Total Fee(s) Due: \$ 740.00

**PAYMENT OF FEE(S) DUE**

8. Please pay the fee(s) for this continued examination application as follows:

☒ Check is attached for the sum of \$ 740.00

☐ Charge Account \_\_\_\_\_ the sum of \$ \_\_\_\_\_

☐ Charge Credit Card the sum of \$ \_\_\_\_\_  
(Credit Card Payment Form (PTO-2038) attached.)

Please charge any required additional fee(s) for Section 1.17(e), Section 1.16(b)-(d) and/or Section 1.17(a)(1)-(4) to

☒ Account 04-1105

☐ Credit Card (Credit Card Payment Form (PTO-2038) attached.)

**INVENTORSHIP**

9. This application as amended names as inventors:

☒ the same inventors as previously designated for the claims.

☐ fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.

☐ a person not named previously as an inventor and a petition under 37 C.F.R. Section 1.48 is/has separately:

☐ being filed

☐ been filed



Reg. No.: 38,227

Tel. No.: (617) 517-5523

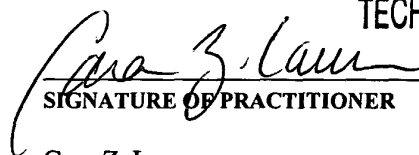
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SIGNATURE OF PRACTITIONER

Cara Z. Lowen

*(type or print name of practitioner)*

Dike, Bronstein, Roberts & Cushman

Intellectual Property Practice Group

EDWARDS & ANGELL, LLP

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